

Tolerance Commission

December 6, 2001

The Honorable Governor Tony Knowles
3rd Floor, State Capitol
Juneau, AK 99801

Dear Governor Knowles:

The following pages contain the recommendations of the Commission on Tolerance. You formed the commission with the instructions that we travel the state, hear personal accounts of discrimination and intolerance, and recommend ways the state can respond.

We held 11 public meetings in Anchorage, Juneau, Kodiak, Fairbanks, Bethel, Kotzebue and Kenai. We met in facilities ranging from the Egan Center in Anchorage to the Borough Assembly Chambers in Kotzebue. We gathered in office buildings, libraries, and community centers.

The Commission heard heartbreaking testimony of discrimination and injustice, expressions of frustration at a system in which many feel they are not full participants, and demands for positive action.

The Commission's report focuses on four major areas: education, institutions, economic concerns and the judicial system. Each section contains findings and recommendations based on the testimony heard and research conducted.

The report also includes a Community Action Guide, offering ways each Alaskan can take personal responsibility to work toward a society that celebrates diversity. The guide illustrates many of the positive actions Alaskans are already taking to combat intolerance.

On behalf of the commissioners, thank you for appointing us to this Commission and giving us the opportunity to listen to Alaskans. We look forward to assisting you in any way we can in presenting our findings to the Legislature and others.

Sincerely,

Rev. Chuck Eddy, Chair

This page intentionally left blank.

On February 16, 1945,
Alaska led the nation by passing the first
anti-discrimination law...

This page intentionally left blank.

Ninety-nine languages are spoken in Alaska...

This page intentionally left blank.

Alaska can lead the world in celebrating diversity...

Table of Contents

Introduction	9
Respectful Education	11
Institutional Tolerance	17
Economic Equality	23
Equal Justice for All	28
Tolerance Commission Public Hearings	33
Tolerance Commission Members	34
Footnotes	35

These pages contain the voices of Alaskans.

During a six-month period in 2001, the 14 members of the Governor's Commission on Tolerance held 11 public hearings in seven communities. Our goals, as defined by Governor Knowles, were to develop a record of the depth of intolerance throughout Alaska, to capture the ideas of Alaskans on approaches to addressing intolerance, and to develop concrete proposals and recommendations for solutions. We believe this report echoes what we learned over the course of our journey.

Combating bigotry has taken on sharper focus since the devastating events of September 11, 2001. The tragic loss of thousands of lives marks a crescendo in the wretched path of intolerance. Hate kills. At no other time in our nation's history was this more true than on September 11. Alaska is not immune from the ravaging effects of prejudice. We suffer as a community when we fear those who are different.

It took great courage for people to speak out during the Commission hearings. Some may have suffered for their efforts -- in the workplace, on the street, or feeling the wrath of those who would deny intolerance exists in our state. Some were unable to speak out because of fear -- of being fired, of being deported, of being victimized for bringing their stories to light. We recognize these Alaskans who are silenced by fear.

Architectural discrimination -- intolerance in our institutions and our systems -- may be attacked through our laws. Attitudinal discrimination -- intolerance in our hearts -- can only be erased through time, through education, and through personal conviction, understanding that by protecting those who are different, we protect ourselves.

We recognize this report is just a step in an evolutionary process that will take patience and the profound belief that our only choice is to stay the course toward a world that conquers its differences and problems through communication and compassion.

The report focuses on four major areas: education, institutions, economic concerns and the judicial system. We used the term "rural" to describe all rural and bush communities, and the term "minority" to describe individuals who, due to their race, religion, disability, ethnicity/national origin, sexual orientation, gender or economic status, are not included in the dominant culture of a society.

The recommendations on the following pages are geared towards policy makers who guide the future of our state. Equally important, the recommendations in this report must resonate within the hearts and minds of all Alaskans as we strive to make our home a place where we all can live, free from fear, among our neighbors.

.....

Public Testimony of Shauna Sagmoen
AFN Youth and Elders Conference, Egan Center, October 23, Anchorage

“Hi, I’m Shauna Sagmoen [Sawg-moan]. I’m currently a senior at Diamond High School in Anchorage, and I’m almost half-Native, Athabascan, but I look pretty much Caucasian.

“...because I look Caucasian, I hear a lot of comments around me—with the idea that I’m Caucasian and will agree with it—about the Native Mafia—the dirty drunks downtown who just get in your way when, you know, people are on their way to volunteer functions.

“...in the high schools throughout Anchorage, many students don’t have an appreciation for or an understanding of the diversity in Alaska. They don’t really care much about the other cultures present in Alaska. Education consists of maybe some Eskimo dancers who come into an elementary school once, and that is the extent of firsthand knowledge and experience with Native cultures. I’m not really a proponent of required classes in high schools, but when I heard that an Alaskan studies class may be required, most people said, ‘It’s just going to be another joke class. One of those classes where, you know, you don’t need to do much to get by.’ I don’t want education of high school students about the richness and diversity of Alaska’s culture to be another joke class. I think education is one of the most important aspects of changing the views held towards people that aren’t of the predominant Caucasian culture.”

Question from Tolerance Commission member: “What recommendation would you give us that will help our young Native future leaders to stay in school?”

Shauna’s reply:

“Well, I know that when I was growing up in the bush, reading and riding snow machines were the two top things in my life. Moving to Anchorage, it was an incredible culture shock. All of a sudden, I was able to recognize the really big differences between the Alaska Native culture and the Caucasian culture. Different learning styles and cooperation is used much, much more in the bush.

“When I came to Anchorage, competitiveness and people climbing over, trying to be number one, be the head cheerleader, student-body president—not that these are bad things—but the incredible competitiveness; it’s very easy to get lost among a student body population of 1,000 or 2,000. If you don’t feel like you belong, it seems like it’s a culture that’s fully foreign to you. It’s easy to get lost in the system...”

.....

Respectful Education

Education was a primary theme in testimony before the Commission. It was presented, on one hand, as the ultimate cure for an intolerant society. Conversely, it is perceived as a source of intolerance.

In every rural community we visited, community leaders, parents and students expressed strong feelings of personal hurt or anger because too many Alaska leaders do not respect or support education in communities other than their own. This sends the damaging message that a child from “here” is “worth more” than a child from “there.”

Many Alaska minorities believe our schools suffer from a lack of respect for our various cultures, that we do not properly train teachers in the cultural values of the community, or effectively work with the various languages spoken in our schools.

Education is multi-faceted -- including what we learn at school, at home, in our community, and in society. Lessons instilled in us at a young age may stay with us the longest. The commission recognizes that what a child learns at home is a private matter, and can only hope those lessons do not include fear and distrust of those who are different from ourselves in some way. What is learned in society is a collective response to mass culture that often pushes us to conform rather than think as individuals.

In the following recommendations, we address the institutional aspect of education -- what we learn in the classroom. It is the area of education in which the public and the government have direct control and, therefore, direct responsibility.

Increase and Equalize Education Funding

Finding: The commission heard numerous times that education is the key to overcoming intolerance and a well-funded public education system is essential to the overall health of our society. Yet Alaska has not kept up with the funding needs of our education system. According to the state Department of Education and Early Development, in the 10 years between 1990 and 2000, inflation has increased about 30% while state school funding has increased only 5%. The state’s failure to keep up with inflation has shifted the burden to local governments. In cases where local governments cannot match the need, schools simply suffer.

Alaska also favors funding of urban schools over rural schools. This became particularly evident in the passage of Senate Bill 36 in 1998, which limited funding for enrollment increases in primarily rural districts to 60% of the full funding entitlement afforded urban schools. This policy sends the clear message that a rural student is “worth less” than an urban student. That has a damaging effect, and will only help feed the problem of low performing schools at a time we should be making every effort to help them excel.

Senate Bill 36 also restructured education funding for special needs students, including special education, bilingual, and vocational education programs. In some cases, particularly in rural areas, this funding change has caused severe reductions in these important programs that help all children succeed.

Recommendation: Increase funding for education statewide from pre-school through university.

Recommendation: Reverse the funding formula implemented in Senate Bill 36 so that enrollment increases are funded equally statewide.

Recommendation: Amend the special needs funding formula implemented in Senate Bill 36 so that special needs programs are adequately funded statewide.

Build and Maintain Alaska Schools

Finding: The Alaska Superior Court found in *Kasayulie v. State of Alaska* that the state's funding scheme for facility construction and repair "has a disparate impact on racial minorities." The court reasoned that the state's denial of funding to rural schools has a racially discriminatory effect because those schools enroll an overwhelming majority of Alaska Native students.

The Department of Education and Early Development standards state that a school facility "is an important factor in the functioning of the educational program" and that the facility "serves as a vehicle in the implementation of the school mission." A student faces a severe detriment to the learning process if the school facility is inadequate.

Recommendation: The state should fund school construction and maintenance statewide in order of priority as determined by the Department of Education and Early Development, and accelerate the school construction and maintenance program.

Fully Fund Head Start

Finding: Research indicates that children who begin their education years with quality pre-school, such as Head Start, are more successful in their school careers and in life. Alaska funds only 23% of those children who are eligible for Head Start services.

Recommendation: Fully fund Head Start statewide and consider alternatives to Head Start in those areas where the program is not available.

Help All Students Succeed In School

Finding: In the spring 2001 Department of Education and Early Development exit exams and grade school benchmark tests, minority students rated lower in proficiency than white students in every grade and category. Particularly stunning was the range between Alaska Native and white students in demonstrating proficiency. According to department results from the test, the closest range was in Grade 11 Math, where the discrepancy between Alaska Natives passing versus whites was about 13%. The greatest gap was in Grade 6 Reading, with a more than 40% discrepancy between the two student groups. The size of this gap forces us to question why our schools are failing to meet the needs of minority students.

Recommendation: The Department of Education and Early Development, the Governor and the Legislature should proceed cautiously in when and how to implement the high school qualifying exit exam and school assessment programs, remembering the overall goal is to ensure that students in all areas of the state can succeed.

Recommendation: The state should fund efforts to help school districts meet the standards as defined in the school assessment and exit exam programs.

Recommendation: Encourage school districts to develop strong mentoring programs and community involvement to help their students succeed.

Respect Bilingual Students and Enhance Their Chances For Success

Finding: Speaking more than one language is an asset in life that should be encouraged. Speaking one's native language in addition to English helps maintain one's identity and heritage. Some 86 languages are spoken within Anchorage schools, offering a richness of culture that all residents of a community can share and appreciate. While it is inherent to a child's success in the United States that she/he be fluent and comfortable with the English language, it should not be done at the expense of the child's native language. Most importantly, a child who is new to English must be in a classroom setting specifically designed to teach English as a second language.

Recommendation: Each school district should assess the needs of its student population for English and non-English immersion programs and develop those programs to meet the needs.

Recommendation: Non-English speaking communities within the state should take the initiative to explore the possibility of establishing immersion programs for pre-school and grade school.

Recommendation: Amend the special needs funding formula implemented in Senate Bill 36 so that bilingual education programs are adequately funded statewide.

Recruit and Retain Native and Minority Teachers

Finding: Teachers are among the most influential role models in a child's life. When children see teachers and school officials of their own race, gender or culture, it is an inspiration and indication they can succeed. Minorities, particularly Alaska Natives, are under-represented in the classrooms as teachers and administrators. According to the Department of Education and Early Development, Alaska Natives comprise 19% of the statewide population, but represent only 5% of Alaska's teachers. Minorities comprise about 31% of the total state population, but less than 11% of Alaska's teachers. Recruitment efforts and incentives for rural Alaska include higher salaries and loan forgiveness. These efforts are not aimed at increasing minority representation in the classrooms.

Recommendation: The Department of Education and Early Development and the University of Alaska should work with local school districts to design an aggressive teacher recruitment and retention program for Alaska Natives and other minorities.

Recommendation: Local school districts should design programs encouraging rural residents to return to their communities as teaching professionals.

Improve Teacher and Administrator Cross-Cultural Training

Finding: The current requirement for school district employees to receive cross-cultural education some time within the first three years of employment is minimal and narrow in scope. Cross-cultural and diversity training opens people's hearts and understanding and uncovers personal biases that we may have been unaware we had. School district employees must be sensitive to cultural differences.

Recommendation: The state Board of Education and Early Development should require

all school employees - in administration and teaching - to take comprehensive and regular cross-cultural and diversity training beginning within the first year of employment.

Prohibit Discrimination and Harassment In Schools

Finding: The Commission heard many disturbing reports of derogatory language used commonly on school premises and aimed at a minority group of people or at a particular student or teacher. Some students also spoke of harassment based on their sexual orientation. Most disturbingly, some teachers and administrators seem to tacitly condone this behavior by failing to enforce discipline against it. Words *do* hurt. Discriminatory and derogatory language regarding a person's race, religion, culture, sexual orientation, physical or mental disabilities must not be tolerated at all within our schools.

Recommendation: Require all schools to have an aggressive policy prohibiting the use of discriminatory and derogatory language regarding a person's ethnicity, religion, culture, sexual orientation, physical or mental disabilities.

Recommendation: Require all schools to have a faculty/student committee to address, mediate and overcome discrimination and harassment within the school.

Teach Alaska History In Our Schools

Finding: Alaskans should know the history of this land and its peoples. Such knowledge fosters respect for our environment, our resources, and our rich cultural heritage.

Recommendation: State law should require that Alaska History be part of the high school social studies graduation requirement.

Recommendation: Require and fund the Department of Education and Early Development to develop a standards-based Alaska History curriculum for grades 9 through 12.

Recommendation: Encourage the Department of Education and Early Development to use public and private partners to help implement an effective course of study in Alaska History.

Celebrate Diversity In Our Schools

Finding: Many individuals and groups such as Bridge Builders of Anchorage, the Alaska Humanities Forum and the Boys' and Girls' Clubs testified that the more people are exposed to the culture and traditions of others, the more they become sensitive to, comfortable with, and respectful of people of different backgrounds. As we explore our differences we find our similarities and are no longer strangers. The more we make these explorations at a young age, the less likely we are to accept prejudice and bigotry as adults.

Recommendation: Encourage schools to acknowledge the holidays and commemorative events of cultures represented in the community and use these events as an educational opportunity in the classroom.

Recommendation: Encourage school districts to offer cross-cultural education classes for high school students.

Take Advantage of Innovative, Readily Available Teaching Tools

Finding: Many excellent teaching tools have been developed in Alaska, such as the Assets program by the Association of Alaska School Boards and Alaska Department of Health and Social Services and various long-distance education programs. Quality educational

programs have been produced, including “Make Prayers to the Raven” by KUAC-TV, the Leonard Kammerling films at the University of Alaska Fairbanks, and Litsite Alaska.

Recommendation: School districts should identify and acquire these teaching tools and urge their use in the classrooms.

Experience Another Culture First-Hand With Educational Exchanges

Finding: The Alaska Humanities Forum, with the aid of federal funding, has sponsored an urban-rural student exchange program that offers young people the opportunity to discover firsthand the lifestyle in a different community and cultural setting. Participating students report the experience has brought them a new appreciation for Alaska Native cultures that they expect will stay with them throughout their lives. This is the closest our young people can come to learning what it’s like to walk in another’s shoes.

Recommendation: Seek continued and increased funding for the Alaska Humanities Forum exchange program and offer it to as many children and their families as possible.

Recommendation: Develop an exchange program for teachers throughout the state.

.....

Public Testimony of Gregory Henderson Mountain View Boys and Girls Club, July 18, Anchorage

“Hi. My name is Gregory Henderson. I’m the computer lab instructor here working through AmeriCorps. I’m not from Alaska, but originally from Albuquerque, New Mexico. I went through high school and college in Mississippi. Before this past school year, they had open gym at one of the schools here. On the days that they do open gym, this kid was telling me that his ethnic group would go and meet up with other ethnic groups, and they would go have rumbles, like something from The Outsider’s or what not. And this is still going on.

“I think that, more or less, the best way to solve this is through education. I know this may sound cliché, but I think education is truly the key. I mean, they can get the negative message at home, but if you go to school, and the teachers you have are positive enough to show you there’s a better route to take, then you’re more or less going to follow that eventually. I mean, growing up in New Mexico, everyone’s culturally diverse. I mean everybody’s laid back and accepting one another. When we were taking Spanish in the fourth grade, we were not only learning about the Spanish Culture, but also the Native Culture, the Black Culture, the White Culture, you know everywhere. So, it made it a lot easier to deal with people of different ethnicities. Once that ignorance is removed, it’s pretty much guaranteed that it won’t be as difficult as its perceived. I mean, going from New Mexico to Mississippi, I can tell you honestly, down there, things aren’t too different from what they were 30 or 40 years ago. I mean, people are literally hiding, so to speak. If we can educate children to be true to themselves and true to other people, and not look for the superficial way out by looking at someone’s color and what not, I think we would be better off. So, mainly the key is education, you just have to do that in the schools, and everything else will follow with time.”

.....

**Public Testimony of Lynne Koral, President, Alaska Independent Blind, Inc.
Fairview Recreation Center, Anchorage, September 29, 2001**

"I live in the Fairview Area, the Birchhill Condominiums. So I was really happy when I got in touch with you this last week and you told me the meeting was in Fairview. What I had asked is if there had been any testimony from anyone with a disability. She said there really hadn't been. Let's think of why that might be. It's probably not because there isn't any discrimination.

"Commission on Tolerance. I would rather think of having inclusion in our community, rather than having tolerance in our community. I think tolerance is kind of a stand-offish kind of word. I think inclusion is where everybody mixes it up a little bit together. When I was reading the very nice one-page sheet of the summary of the meetings that have already occurred with the Commission on Tolerance, I noticed concerns of bad employers. Well, that's good, except many times, people with disabilities—people who are blind and others—don't even get to be employed. So, therefore, you aren't going to have a problem with an employer if you don't have an employer in the first place. You're not going to have a problem with education if you are told that you're not as good as everybody else and that your learning methods—whether it be Braille or what school you go to, whether it's an integrated school or not—you aren't as good as everybody else.

"These sorts of problems that we have with access—if you can't get around, if you can't access transportation. If the sidewalks aren't cleared...

"If you are being told that, as a blind person, that you have to be taken care of... That we should be grateful for what we've gotten, because, after all, there are government programs that will help us...

"It's up to us people with disabilities to educate the public, and to understand that we have to be integrated into society at a greater level, be involved in our social, economic, political, and religious life. Yet, many times, you'll find people who are afraid to go out of their house—they're too afraid to go anywhere, or they don't have the training. The State of Alaska could provide better training—specific training—for blindness skills...

"How do we educate employers so they understand that we're not really fragile beings—that we can be employed, that we have the intelligence to be employed. We can be supported by assistive technology.

"It's hard for me to explain to you that most of the problems are attitudinal, they're not so much architectural. And the fact that people get a little nervous when they're around us because, after all, it could happen to any one of you. Any one of you can become disabled at any time in your life. Any one of you could have diabetes or any of the illnesses that can cause blindness later in life. Any one of you could have a family member that has a disability.

"A lot of the problems that we have is isolation, depression. Most people who are disenfranchised from our community have, at least, families, we hope, that have helped them feel good about themselves. If you are a person with a disability, or you're blind, and I've been blind all my life, you have to have a family that welcomes you as a disabled person. They feel like they're some kind of a failure, so for some, you don't have the idea from the very time you're born that you are a welcome addition into the family, that you are a welcome person into the world."

.....

Institutional Tolerance

Alaskans have a right to access government institutions and receive services from those institutions in a respectful and responsive manner, free from prejudice. Throughout our public hearings, the Tolerance Commission repeatedly heard that public agencies may demonstrate intolerance towards both their employees and members of the public served as clients. This falls within the definition of institutional intolerance -- publicly and privately adopted policies, procedures, or practices, explicit and implicit, which ignore the dignity and rights of the individual. Institutional intolerance undermines public confidence, participation in democratic institutions, and efforts to end prejudice.

Testimony highlighted a recurring flashpoint of institutional intolerance -- the divide between rural and urban Alaskans. Subsistence and tribal sovereignty were two areas of primary concern. Uneven delivery of governmental services also drew particular attention in the areas of law enforcement, school facilities, economic development and access to quality jobs. Alaska's rural communities are unique. Our public policies must reflect this uniqueness in order to bridge the gap between urban and rural Alaska.

Alaskans described instances of prejudice and intolerance that prevented them from working, or from accessing critical state services. Tolerance begins at the top. We cannot expect Alaskans to embrace our diversity if our leaders and our public agencies do not. There is no room for intolerance in our public agencies.

Finally, many Alaskans testified regarding their feelings of neglect by the community, and of being ignored by our laws and policies. The Gay/Lesbian/Transgender community spoke often and eloquently about the fact that it is still legal to discriminate on the basis of sexual orientation in Alaska. Advocates for immigrants described the fear immigrants face when trying to live, work and raise their families in a climate of intolerance. People whose first language is not English described the barriers to public services they face every day. People with disabilities decried the continued ignorance some people have about the disabled community and how this ignorance keeps the disabled on the fringes of our community. Advocates for Alaska's elders spoke of the lack of housing and health care that threatens our seniors. Homeless people spoke of life on the street and the dangers they face every day.

The Commission urges our state leaders to take a firm stand to end the intolerance in our public institutions that fosters alienation and isolation for many Alaskans. We urge our government to lead by example.

Protect Subsistence Rights

Finding: Protecting subsistence rights is a primary priority. Hunting, fishing and gathering activities are integral to the spiritual as well as physical well being of Alaska's rural communities. Protection of subsistence resources, and prioritizing subsistence uses of fish and game is vital to the continued well-being of rural Alaska.

Recommendation: The Legislature should pass a resolution placing a constitutional amendment on the ballot that allows a rural priority for subsistence.

Recognize Tribal Governments of Alaska

Finding: Alaska tribal governments existed in Alaska before the colonization and settlement of this area by the United States and the State of Alaska. Ignoring the existence of tribes in Alaska has fostered poor relations between Alaska Natives and non-Natives, and between the tribes and the state government. In 2000, Governor Tony Knowles recognized the existence and inherent sovereignty of tribes in Alaska.¹ The principles set forth in that order provided the foundation for the State to work with tribes to promote self-government, economic development, a clean and healthy environment, and social, cultural, and spiritual diversity.

Recommendation: The State of Alaska must continue to develop a government to government relationship with Alaska's tribes.

Recognize the Uniqueness of Rural Alaska Through Public Policy

Finding: Alaska's rural communities are unique. Our public policies must reflect the varying needs of our communities. Until the unique qualities of rural Alaska are captured in our public policies, the urban-rural divide will continue to flourish. Existing exchange programs that bring urban students to rural Alaska and rural students into the cities promote understanding that leads to tolerance.

Recommendation: Implement a Legislative exchange program modeled after the Alaska Humanities Forum program that will bring Alaska's leaders to rural communities and rural residents to our state capital.

Recommendation: Hold legislative committee meetings in communities throughout Alaska, not just in the major communities.

Recommendation: Change the state seal to include symbols of Alaska Native culture.

Recommendation: Follow the recommendation of the Rural Governance Commission to "Work together to close the divide. The Governor and Legislature should provide leadership in overcoming the increasing divisiveness between rural and urban areas, and between Natives and non-Natives. At the same time, rural and Native residents, including municipalities and tribal governments, should more clearly articulate their visions and aspirations to the urban, non-Native population."²

Recommendation: The Legislature should officially adopt a second verse of the Alaska flag song that recognizes the contributions of Alaska Natives to our state history.

Erase Intolerance in State Agencies

Finding: There is a perception among Alaska's minorities and others that the State of Alaska does not respond adequately to complaints of harassment and mistreatment in the workplace. As an employer and a service provider, the state must work to abolish institutional intolerance. Tolerance begins at the top. State agencies must demonstrate the state's commitment to ending intolerance by acting in a manner that reflects respect for diversity. The Commission heard complaints by former state employees regarding their mistreatment and frustration at a lack of process to address their complaints. Similarly, the Commission heard testimony by people who had gone to a state agency for a service and experienced similar

mistreatment.

Recommendation: Develop recruitment and retention programs to increase minority employment in all state agencies.

Recommendation: Require all employees, not just managers and supervisors, to receive mandatory and on-going diversity training.

Recommendation: Ensure that discrimination based on any identity, including sexual orientation, is absolutely not allowed in state agencies.

Recommendation: Conduct an independent, outside assessment of all state agencies on a biennial basis to review a variety of institutional factors that may contribute to intolerance including whether agencies require diversity training, analysis of recruitment and retention rates for minority employees, and assessment of complaint mechanisms in place. Any such assessment should be undertaken by an entity not affiliated with the State of Alaska to avoid the perception of bias.

Recommendation: The Legislature should reinvigorate the Office of the Ombudsman to address allegations of discrimination by state government, including the court system.

Fully Fund State Human Rights/Equal Employment Agencies

Finding: It is essential all Alaskans have access to those services and agencies designed to assist in cases of discrimination. This may be especially true for economically disadvantaged Alaskans because they do not have the resources to pursue private assistance. Funding cuts over the past years have reduced staff and resources at several state agencies. The Alaska Human Rights Commission, for instance, was staffed with 26 people in 1982 and reduced to only 15 people by 1991. In recognition of its severe underfunding, some budget increases over the past few years now allow for 19 staff members. The Office of Equal Employment Opportunity had up to 15 staff members 10 years ago and now has only four. These agencies must be adequately funded to perform their work in a timely manner that best serves the public.

In addition, the Alaska public will be best served in the long term if these agencies have the resources to perform more outreach and prevention work to truly diminish the incidents of discrimination in our society and workplaces.

Recommendation: Provide adequate funding to state agencies charged to protect the public against discrimination so they may perform their functions efficiently and in a timely manner.

Recommendation: Provide funding and direction to these agencies to increase their pro-active efforts to prevent discrimination.

Increase Accessibility to State Services and Legal Protections to Alaska's Immigrants

Finding: The face of Alaska is changing. Alaska's immigrant populations have grown dramatically in recent years. There are 99 languages spoken in Alaska.³ Forty percent of Kodiak's population is foreign born.⁴ Delta Junction is home to 600 refugees from the former Soviet Union.⁵

Fear of authority and deportation can deter immigrants trying to access basic services, such as police protection, medical care, public benefits to which they or their children are entitled, identity documents, or domestic violence-related services. Despite the fact that

immigration status is irrelevant to determine eligibility for most state services, state agency employees often ask status-related questions of people because they do not speak English well, or because they are people of color.

In addition, immigrant advocates testified regarding employment discrimination on the basis of a person's legal status and recounted instances of employers failing to pay wages to people on the basis of their legal status.

People with limited English proficiency testified regarding the difficulties they experienced when seeking critical health and social services. Federal civil rights law requires that any organization or individual who receive federal funding must ensure that people with limited English proficiency can meaningfully access health and social services.⁶ Despite this requirement, only the Division of Public Assistance of the Department of Health and Social Services currently provides language assistance to their customers through a contract with a telephone interpreter service.⁷ As a result of the lack of language services available, people seeking critical medical and social services are at a severe disadvantage.

Recommendation: State agencies should adopt agency-wide policies prohibiting personnel from requesting any information regarding a person's immigration status, unless specifically required by law.

Recommendation: The Alaska Department of Labor and Workforce Development should enhance and enforce the rights of immigrant workers, and educate employers throughout the state regarding the rights of immigrant workers.

Recommendation: Alaska law enforcement agencies should recognize and uphold the rights of immigrants to due process and equal protection before the law.

Recommendation: Guarantee compliance with federal law by ensuring that all state agencies and service providers receiving federal funds provide language services to accommodate customers with limited English proficiency.

Create A Permanent Tolerance Commission To Continue This Work

Finding: Unlike Alaska's Human Rights Commission, which enforces existing human rights laws, the Tolerance Commission offers a statewide community forum for discussion of discrimination, racism, sexism, bigotry and hate. It is also a forum to discuss the need for more human rights laws.

Recommendation: Create a permanent Tolerance Commission and staff position within the Governor's Office to continue the dialogue between Alaskans initiated by this Commission, and oversee the development and implementation of diversity and tolerance-related programs. This Commission and staff person would be responsible for conducting on-going hearings throughout the state, and reporting their findings to the Governor and Legislature, in addition to other related projects. This Commission would work with private businesses and chambers of commerce to develop a plan for making Alaska a place where cultural diversity is celebrated.

Recommendation: Governor Knowles and every succeeding Governor should issue an official proclamation naming January "Tolerance Month." This will kick off the new year with a commitment to work toward a more tolerant Alaska that celebrates our diversity of people and cultures.

Integrate People with Disabilities Into All Aspects of the Community

Finding: People with disabilities, and their families, face discrimination every day, particularly in the lack of appropriate services, accessible transportation, accommodations and opportunities for employment. Direct service providers are in short supply, given the profession's low pay and lack of training. The unemployment rate for adults with disabilities is far above the national average. Accessible transportation and workplace accommodations are two key barriers to employment. The federal/state Medicaid program is essential to Alaska's disabled community and will serve more than 115,000 Alaskans in the coming year.

Recommendation: Increase funds for training programs for people with disabilities, which provide skills and foster independence.

Recommendation: Increase funds statewide for accessible transportation services for people with disabilities. Federal grants are available to make the vehicles accessible, but operational dollars are needed to hire drivers and maintain the vehicles.

Recommendation: Fully fund early intervention programs for kids with high risk and special-needs, and support special education programs and related services in schools. Provide financial incentives and administrative support for special education teachers.

Recommendation: Increase funds for foster parents, to provide a loving home for kids with special-needs and Fetal Alcohol Syndrome, and to reduce the number of children in out-of-state placements.

Recommendation: Continue state support for Medicaid, our nation's federal/state health care program for the blind, disabled, aged and needy (mostly children).

Recommendation: Encourage the business community to comply with the Americans with Disabilities Act and address the physical and attitudinal barriers preventing hire of people with disabilities. Take advantage of low-cost government grants for assistive technology to accommodate disabilities in the workplace.

Alaska's Growing Elderly Population Requires Additional Resources

Finding: Seniors are one of the fastest growing components of Alaska's population. Over the next 25 years, seniors will become 20% of Alaska's population.⁸ Although Alaska's seniors generate \$1.2 billion into the state's economy, more than half live close to insolvency.⁹ Research shows that nine out of 10 seniors would prefer to stay in Alaska indefinitely.¹⁰ Assisted living for Alaska's seniors is very expensive and only located in larger cities. The cost of one year in a nursing home is \$98,000 for a Medicaid patient, 20% more for private paying individuals.¹¹ Access to caregivers is difficult given the profession's low pay and high cost of training.

Recommendation: The state should increase training opportunities and pay scales for health care providers to improve access to health care for Alaska's seniors.

Recommendation: The state should provide assisted living services to Alaska's seniors in their home communities or regions.

Support and Increase Statewide Communications

Finding: From Anchorage to Akiak, Kiana to Kodiak, Sand Point to Soldotna, or Barrow to Fairbanks, Alaska's communications systems are critical to uniting us as Alaskans. Statewide communication systems provide us the means to know each other and to celebrate what we have in common as Alaskans.

Recommendation: The state should increase its financial support for the Public Telecommunications Infrastructure we currently have, including the Alaska Public Radio Stations, Alaska One (the joint venture of Fairbanks KUAC, Juneau KTOO and Bethel's KYUK public television), KAKM in Anchorage, Alaska Two (Gavel to Gavel), Alaska Three (University of Alaska Southeast Distance Delivery Education), and Alaska Four (Alaska Rural Communications Systems). Each of these entities reaches a different part of Alaska, so it takes all of the entities to unite all Alaskans.

Recommendation: The state should encourage and fund development of programs produced by and featuring Alaskans and the Alaska way of life.

Recommendation: The state should encourage and fund a library of existing programming produced by or for Alaskans, and encourage an additional means of distributing the material statewide.

Recommendation: The state should continue to encourage consistent, inexpensive internet access to all communities throughout Alaska ("Internet Cost Equalization").

.....

Written Public Testimony of Ray Austin, Juneau

"I would like to share my concerns as a concerned citizen, minority, Tlingit Indian, and true Alaskan. I have family members that are Caucasian, Asian, and Black, so I share a concern for all minorities and hope that the Commission will identify all forms of discrimination for the benefit of all.

"My concern and contribution to this Commission will be from my perspective as an unemployed Tlingit Indian and as a computer professional. The State of Alaska can use computers, databases, and statistics to prove that there needs to be improvement in the State of Alaska's minority hiring practices. Technology will be the tool to prove this..."

.....

**Public Testimony of Monte Hawver, Director, Brother Francis Shelter
Kodiak, August 2**

"...Problems with employers. Some Kodiak contractors don't pay their workers – largely immigrants. Fine print in contracts says if you don't work out the whole season then you don't get paid; Get fired and don't get paid a full share. Lots of different ways to cheat minorities who don't speak English very well..."

"...We still need to do more for the struggling folks who are on the bottom of the pay scale and are struggling with alcohol and drug abuse..."

.....

**Public Testimony of Ross Schaeffer, Northwest Arctic Borough Mayor
Kotzebue, October 9**

"The kind of discrimination I see is in the management of fish and game. Laws don't protect our subsistence way of life. Everything that comes out of the McDowell case, the Katie John case. The use of resources by the Legislature to fight those cases... that makes us feel discriminated against. So many of our villages will never be able to speak out, but we suffer without the food..."

Economic Equality

Economic intolerance results from unjust treatment or denial of civil rights and common societal privileges based on economic status. Intolerance against those who are economically disadvantaged can be cloaked in a severe misjudgment that people choose to be poor or homeless and therefore deserve to be treated more severely and less justly than those of us who are economically advantaged.

We must address the root causes of poverty if we are to eliminate it.

The U.S. Census Bureau in the 2000 census found that more than 11% of all Alaskans and more than 16% of Alaska's children live in poverty. This seems impossible in a state as rich as Alaska, yet poverty and intolerance practiced through racism combine to trap people at the margins of our communities.

A number of Alaska families simply cannot fully partake of our rich economic opportunities. Sadly, children born into poverty have less access to educational opportunities, inviting a life of continued poverty. And as we approach our five-year limits on welfare under the reform put in place in the late '90s, we must be sure we don't launch families off public assistance only to throw them into poverty.

When we look at the person, the community, or the state, we find circumstances and obstacles that increase economic intolerance in Alaska. By addressing these areas, we can reverse the growing span between those who are able to take advantage of Alaska's economic opportunities and those who currently cannot.

The following recommendations are made to help us achieve that goal.

Alaska's Laws Must Protect All Alaskans

Finding: Alaska's anti-discrimination laws do not protect the economically disadvantaged. The Commission heard an alarming amount of testimony relating stories of homeless people being targeted as assault victims. These attacks on those most vulnerable and least able to defend themselves are simply unacceptable in any decent society. Yet our current laws, which are our expression of how we enforce equality in our state, offer no specific protection to the economically disadvantaged.

Recommendation: Amend Alaska's laws, regulations and policies so that persons may not be discriminated against based on economic status.

Protect Subsistence Rights

Finding: All Alaskans share the fundamental need to be able to provide for one's self and family. Subsistence work is one economic factor in providing for a family that is greatly under-valued. Thousands of Alaskans do subsistence work to supply themselves with food,

clothing, fuel, home goods, shelter, and to bring tourism dollars into the state through Alaska-made products. Many communities in Alaska rely on the subsistence economy. A dollar-value replacement cost on subsistence food alone is \$250 million annually. Some 60% percent of rural households depend on subsistence game while 83% rely on fish.¹ Protection of subsistence resources and prioritizing subsistence uses of fish and game is vital to the continued well-being of all Alaskans.

Recommendation: The state Legislature should pass a resolution placing a constitutional amendment on the ballot that allows a rural priority for subsistence.

Increase Alaska's Minimum Wage

Finding: The disparity between high and low income workers in America continues to increase dramatically. Maintaining one's dignity and health while working for menial wages is difficult, if not impossible, when it becomes a daily struggle to put food on the table and keep a roof over one's head. Raising Alaska's minimum wage and thereby recognizing the contribution of wage earners toward building a strong economy, brings us closer to equality in income and standard of living.

According to the National Low Income Housing Coalition, the average U.S. worker must earn at least \$11.28 an hour to afford the rent on a modest one-bedroom apartment. The nation's median pay in the year 2000 was \$16.97 an hour. Both figures are substantially more than the Alaska minimum wage of \$5.65, which is the lowest on the West Coast. By comparison, Oregon's minimum wage is \$6.50 and Washington's will rise to \$6.90 on January 1, 2002, and will be adjusted to inflation annually.

In Alaska, a single parent with two children working full time at the current state minimum hourly wage will earn \$11,752 per year or 66% of the 2000 poverty level, which is \$17,690 for a family of three in this state. Working at a minimum wage in Alaska keeps a family in poverty.

Recommendation: Increase the minimum wage to a level that better supports a family.

Recommendation: Correlate the minimum wage to the consumer price index for Anchorage so it will automatically adjust to the cost of living.

Provide Quality Education For All Alaska Children

Finding: One of the most effective ways we can fight economic intolerance is to ensure equal access to quality education.

Recommendation: Increase funding for education statewide from pre-school through university.

Recommendation: Ensure public school funding is allocated on an equal basis statewide so that all children have equal opportunity to succeed.

Recommendation: Increase efforts to prevent student drop-outs and keep children in school. Reinstate programs and funding that allow more direct classroom or study time for students during the school day.

All Alaskans Need Affordable Energy

Finding: Affordable energy ensures the financial viability of communities through communications and infrastructure operation, including water and sewer systems, and lighting. The exceedingly high cost of electricity in many parts of rural Alaska can prevent people in

those areas from improving their standard of living. Anchorage can be known as the “City of Lights” because it is fortunate, along with other urban and Railbelt areas, to have affordable power sources. Many Alaska communities have little or no form of affordable power.

The Power Cost Equalization (PCE) program was established in 1985 to offset power costs in rural Alaska at the same time state funds were allocated to construct major energy projects in primarily urban areas, such as the Four Dam Pool, Bradley Lake, and the Anchorage-Fairbanks Intertie. The kilowatt-hour charge for electricity in many rural areas can be three to five times higher than the average rate in Anchorage, Fairbanks or Juneau. Even with the PCE assistance, the effective rate for recipients remains more than twice that paid by customers in urban areas. A lack of full funding for the Power Cost Equalization Program is an obstacle to economic viability in rural areas.

Recommendation: Fully fund the Power Cost Equalization Program.

Expand Economic Opportunities In Alaska

Finding: Alaska is a state rich with resources and economic opportunity. High labor and transportation costs, the lack of job training opportunities and adequate infrastructure, and geographic remoteness limit our ability to expand and diversify our economy in many parts of the state.

The disparity between rural and urban Alaska economic opportunities is evident in unemployment rates and income levels, as illustrated in the following charts:

Unemployment Rates - October 2001²

Alaska - Statewide	Wade Hampton Census Area
5.6%	16.1%
Anchorage/Mat-Su	Yukon-Koyukuk Census Area
3.9%	13.5%

Personal Income Per Capita - 1999³

Alaska - Statewide	Wade Hampton Census Area
\$28,629	\$13,029
Anchorage/Mat-Su	Yukon-Koyukuk Census Area
\$33,813	\$19,126

The sense that rural Alaskans are trapped in poverty by a lack of commitment of resources and infrastructure development reinforces the urban/rural economic divide.

Recommendation: Invest in rural Alaska by continuing to promote local hire through partnerships and training programs.

Recommendation: Expand local hire programs for successful bidders on state and federal projects.

Recommendation: The state should help rural communities help themselves by assisting with information and resources needed to develop local economies using local human resources.

Recommendation: Enhance transportation access to rural areas as needed and desired by the communities to assist in economic development.

Recommendation: Enforce Section 29 of Alyeska Pipeline Service Company’s right-of-way agreement with the federal Department of the Interior which requires at least 20% of the work forces of Alyeska and its subcontractors be Alaska Native.⁴

Amelioriate Homelessness

Finding: People living in poverty are most at risk of becoming homeless.⁵ There are two trends largely responsible for the increase in homelessness over the past two decades: a growing shortage of affordable housing and an increase in people in poverty.⁶

The misperception of homeless people as substance abusers leads to continued prejudice and violence against them. In fact, only 39% of homeless people have substance abuse problems. Homelessness disproportionately affects Alaska’s minorities. While Alaska Natives represent 8% of the general population in Anchorage according to the Alaska Housing Finance Corporation, that same agency reports that Alaska Natives account for 41% of the homeless population.

Homelessness is often the result of domestic violence, particularly among families with children. A national study in 1990 found that 50% of homeless women and children were fleeing abuse. More recently, in a survey of 777 homeless parents (the majority of whom were mothers) in 10 U.S. cities, 22% said they had left their last place of residence because of domestic violence. In addition, 46% of cities surveyed by the U.S. Conference of Mayors in 1998 identified domestic violence as a primary cause of homelessness.⁷

Children who are homeless do not always receive the education to which they are entitled. Many barriers exist in providing school programs for homeless children including lack of transportation, family mobility, poor health, and lack of food, clothing, and school supplies. Service providers have found that homeless children also face difficulties in being evaluated for special education programs and services, participating in after-school events and activities including after-school care programs, and obtaining counseling and psychological services.⁸

Recommendation: Improve access to affordable housing and to housing options, including dignified and clean temporary housing to alleviate temporary needs for people in crisis.

Recommendation: Identify and work to ameliorate factors causing chronic homelessness, including formulating public policies designed to promote self-sufficiency and individual empowerment.

.....

.....

Comments of Commissioner Cruz Reynoso
Vice Chair, U.S. Commission on Civil Rights
Anchorage Sheraton, August 24, 2001

"I heard testimony all day yesterday. And at the end of the day, I had the following sense that Alaska, in part because of your lower population totals in the whole state, could have the benefit of being a great experiment for the American nation in terms of how to deal with different groups, linguistic groups, ethnic groups, and geographic groups.

"...I guess my suggestion is simply that there are solutions to these problems, and the Legislature, both in terms of making recommendations and constitutional changes, and in terms of implementing a series of programs that seem unrelated, are directly related.

"...take subsistence, for example. Clearly subsistence is related to employment. It's related to a family being able to protect its livelihood, and I can't help but think is also related to the issue of crime as you folks have described it.

"So all of these issues are very important. ...it just strikes me that with a geography and the population in Alaska, you folks can really help the nation understand how folks can truly be respected in their quite different lifestyles, quite different ethnic practices, ethnic and religious beliefs and so on.

"In a state like California where you've got 35 million people, sometimes it gets tougher. Though, as with you, we've kept at it historically. We heard testimony from two older people, from one not so old, that as they were growing up they still saw signs that said 'No Natives or Dogs Are Admitted Here.' I mean that strikes deeply into the psyche of that particular group.

"They didn't say that is happening now, I want to make that clear. But it means that Alaska has come a long ways in dealing with those issues, but has, I think, in some ways a unique opportunity to go even further and to teach the rest of us in the country how to deal with those diversities."

Note: Last summer, the U.S. Commission on Civil Rights held hearings in Anchorage to determine whether human rights violations exist towards Alaska Natives and other minorities in the state. The disproportionate number of minorities incarcerated in Alaska's prisons, as compared to their census population, was among the concerns brought to the Commission. The comments above were made during the testimony of Senate President Rick Halford and Speaker of the House Brian Porter. Commissioner Reynoso is a former justice and professor of law at the University of California at Los Angeles School of Law.

.....

Equal Justice for All

The Tolerance Commission heard testimony on a broad range of issues involving the justice system, including crime prevention, policing, prosecution and punishment. Alaskans described disparities in the justice system, citing overwhelming proportions of minorities incarcerated, high rates of substance abuse related crimes, a lack of minorities working in the system, and inadequate police protection in rural communities. Alaskans also cited problems obtaining due process in terms of fair access to, and administration of, justice.

Over-incarceration of minorities in Alaska's prisons reflects the lack of culturally appropriate services for those entering the justice system. Our prison population does not mirror our general population, as illustrated in the following chart based on Department of Corrections statistics (rounded) for December 31, 2000.

	<u>State Population</u>	<u>Prison Population</u>
White	69%	45%
Alaska Native	16%	36%
African-American	4%	13%
Hispanic	4%	3%
Asian/Pacific Islander	5%	2%

Disproportionately small numbers of minorities on the front lines of the justice system, as either officers or in leadership positions, adds to the perception the justice system suffers from intolerance. The following racial breakdown of Department of Public Safety employees illustrates the disparity:

	<i>Department of Public Safety Employees</i>	
	<u>Number</u>	<u>Percentage</u>
White	570	80%
Alaska Native	52	7%
American Indian	13	2%
African-American	26	4%
Hispanic	25	4%
Asian/Pacific Islander	20	3%

The following findings and recommendations regarding our justice system reflect the information and testimony provided to the Tolerance Commission.

Alaska's Laws Must Protect All Alaskans

Finding: Human rights laws cannot, by their very purpose, discriminate. Yet ours currently do. Alaska's statutes fail to protect individuals on the basis of economic status or sexual orientation. The Commission heard testimony from people who have been discriminated against in the workplace based on their sexual orientation, or on the street based

on their poverty, yet have no legal recourse because our laws do not specifically protect them. As of 2001, some 13 states prohibit at least employment discrimination based on sexual orientation, with many of those barring discrimination based on sexual orientation in other arenas as well.¹

Recommendation: Amend Alaska's statutes, regulations, policies, and executive or administrative orders so that persons shall not be discriminated against based on economic status or sexual orientation.

Pass Hate Crime Legislation

Finding: Alaska's statutes regarding punishment for crimes motivated by bias or hate are limited, too lenient, and do not offer positive approaches to preventing further offenses. Alaska law enforcement officials and the public are unaware of the extent of hate crimes in our state because there is no requirement to report these crimes.

Recommendation: Pass hate crime legislation to include crimes against individuals based upon race, religion, disability, ethnicity/national origin, gender, sexual orientation, and economic status. Consider establishing a separate criminal charge for hate crimes, as opposed to the current provisions that allow only a harsher sentence for a crime in which hate is a factor.

Recommendation: Encourage sentencing in hate crime cases to include cultural diversity/sensitivity training for the offender.

Recommendation: Require all law enforcement agencies to compile and report hate crimes to appropriate authorities.

Require Consistent, Statewide Reporting Of All Crimes

Finding: The Uniform Crime Reporting Program operated by the Department of Public Safety is inconsistent and incomplete, preventing a clear indication of whether minorities are treated more harshly in the system. Law enforcement agencies participate in the reporting program on a voluntary basis and there is no comprehensive requirement as to which crimes should be reported and what information should be included on each crime. In addition, police and prosecutors are faced with the difficult task of deciding when criminal charges should be alleged and what those charges should be.

There is a perception that minorities may be stopped by police more often and charged with more severe crimes than their white counterparts. Yet without accurate statistics, we cannot truly assess whether racial profiling is causing minorities to be targeted for criminal charges.

Recommendation: Require the Department of Public Safety to design a comprehensive crime reporting program and require all law enforcement agencies in the state to participate fully in the program.

Ensure Adequate Investigation of Crimes Against Minorities

Finding: There is a perception among Alaska's minorities and others that crimes against minorities do not receive equal law enforcement and prosecutorial resources as crimes against non-minorities. In addition, the Tolerance Commission heard testimony regarding the discrepancy in public safety resources between rural and urban communities.

Recommendation: Provide mechanisms for municipalities to establish citizen review

panels with sufficient minority representation with investigatory and subpoena powers to review complaints against local police departments.

Recommendation: Request that the U.S. Commission on Civil Rights continue to investigate crimes against minorities in Alaska.

Increase Resources for Crime Prevention In Rural Alaska

Finding: Criminal justice in rural Alaska suffers from a serious lack of resources. More resources, time and effort are put into responding to and investigating crimes in urban areas than in rural Alaska. The lack of public safety officers in communities throughout Alaska ensures inadequacies and inequalities in our justice system.

The diminished attention to rural crime is exhibited by a more than 20% drop in the number of funded Village Public Safety Officer's (VPSO) in the past 10 years — from 107 VPSO's in 1991, to 85 currently. Many communities only have one person providing law enforcement services while some 86 communities in Alaska have no law enforcement whatsoever.²

Village Public Safety Officers are limited in their ability to enforce laws in rural communities, have limited training, few benefits, and are not allowed to carry firearms.

Recommendation: Expand and enhance the VPSO program and the newly re-instituted constable program to ensure that all communities in Alaska have law enforcement personnel.

Provide Culturally Relevant Assistance Within the Justice System

Finding: The justice system can be intimidating and confusing for offenders, victims, and their families.

Recommendation: Expand and create additional cultural navigator programs throughout Alaska.

Provide Access to Legal Assistance for Indigent Alaskans

Finding: Legal services for indigent Alaskans are inadequately funded, causing tremendous caseloads and backlogs. Some 19,000 new cases this year in the state were handled by just 69 public defenders.³ A 1998 audit of the Alaska Public Defender Agency shows that caseloads have increased over the last 10 years by 47% while real dollar funding levels have increased only 6.6%.⁴ Alaska Legal Services Corporation (ALSC), which provides legal services to Alaska's poor in non-criminal matters, has suffered severe reductions in funding. Funding cuts have forced rural offices to close, preventing access to civil legal assistance for indigent Alaskans. These cuts disproportionately affect Alaska Natives, as they comprise 40 % of ALSC clientele.⁵ Failure to fully fund programs serving indigent Alaskans jeopardizes their constitutional and other legal rights.

Recommendation: Restore funding to the Public Defender Agency, Alaska Legal Services and other legal service programs to allow adequate legal services for Alaska's poor.

Recommendation: Increase available programs that provide victim and family law advocates for those in need.

Require Certified or Qualified Court Interpreters in Legal Proceedings

Finding: Non-English speakers face profound disadvantages within our court system. Faulty translation results in wrongful convictions, incorrect information, and inadequate

protections for victims. The risk of inaccurate interpretation for defendants or victims in criminal cases or civil proceedings involving domestic violence issues is extreme considering the high stakes of an erroneous outcome due to faulty translation. Alaska is perhaps the only state in the nation to not require certified interpreters in criminal proceedings involving non-English speakers. Similarly, Alaska may be the only state to require that criminal defendants provide and pay for their own interpreter.

Recommendation: Establish a system for certifying or qualifying (when certification is not possible) court interpreters in Alaska.

Recommendation: In criminal proceedings, and in domestic violence related civil proceedings, require the Alaska Court System to provide certified interpreters or qualified interpreters in languages where certification is unavailable.

Recommendation: Require the Alaska Court System, not criminal defendants, to fund the use of court interpreters.

Require Diversity Training for Justice System Employees

Finding: The justice system must be sensitive to cultural diversity to achieve the goal of equal justice. Those working within the justice system must be sensitive to cultural differences to prevent discriminatory treatment.

Recommendation: Require comprehensive and on-going diversity training for all employees within Alaska's law enforcement and justice system.

Promote Responsible Restorative Justice Programs

Finding: The central theme of restorative justice is accountability for the offender, restitution for the victim and reconciliation for the community.⁶ Alaska's Constitution specifically recognizes restitution and rehabilitation as primary goals of the correctional services.⁷ Alaska law provides for community-based alternatives for non-violent offenders.⁸

Recommendation: Develop new programs and expand the use of existing programs that divert appropriate offenders from the justice system through use of alternative sanctions such as community work service and restitution, and through use of treatment alternatives.⁹

Recommendation: Encourage agencies and local governments to incorporate principles of restorative justice into programs and policies throughout the criminal justice system.¹⁰

Recommendation: Encourage communities to adopt alternative justice programs to promote the goals of accountability, restitution and reconciliation.

Provide Adequate Treatment for Substance Abusers

Finding: Substance abuse is a factor in more than 80% of the crimes committed in Alaska. Substance abuse treatment programs have long wait lists, are not always culturally relevant, and are not widely available in languages other than English. For minority and indigent populations, the lack of comprehensive, culturally appropriate substance abuse treatment programs fosters failure and adds to the climate of intolerance. Substance abuse destroys families and communities. Fighting substance abuse is a top priority if we are to protect our children, build a healthy society, and ensure a promising future for the state.

Recommendation: Increase funds available to state and local governments for substance abuse programs to eliminate wait lists for treatment.¹¹

Recommendation: Adopt culturally relevant substance abuse treatment programs.

Recommendation: Provide adequate treatment beds, outpatient programs and follow-up care for offenders with substance abuse, mental health, sex offender and other treatment needs.¹²

.....

Public Testimony of M. Sharon Lindley
Cultural Navigator, Bethel Court, October 1, 2001

"My position as a cultural navigator is essentially to help those who may need additional time and assistance in their communication with the court system. My job entails interpreting during arraignments before a defendant is appointed an attorney and assisting jurors and clients that may need additional time in communication. The majority of the people I serve are Yupik. Lately, I've had to seek interpreting services for Korean defendants.

"My experience has been both rewarding and frustrating. It is rewarding when I get positive responses from people who had specific questions that were answered. For example, a Yupik person who is more comfortable and confident in asking questions in Yupik, and I was able to assist in this language. Another example is when I interpret in a court hearing and the person gets the opportunity to speak to the judge through me. Afterwards, I get heartfelt gratitude from the individual. Of course, their willingness to communicate may most often incriminate them, but just having the opportunity to speak appears very important and crucial. It is also rewarding to watch the response of some Yupik defendants when they watch the Yupik arraignment video. The responses include attentiveness because their rights are explained to them in their language. Also the defendants appear more serious because they understand the seriousness of their predicament. We've all experienced an age old saying, of ignorance is bliss. As long as people are left half-cognizant of the legal system, there will be half-hearted commitment to the law.

"It is frustrating when trying to explain concepts like the difference between not guilty plea and no contest plea. Although there is a video that explains the arraignment rights in Yupik, people are still uncertain and lack confidence in their answer. I've had people ask me for my advice on what plea they should answer. I've also seen a person who told the Judge they understood, but on their way back to their seat whisper questions. I've heard comments from people who had absolutely no idea why they were arrested. Another frustration is seeing the fast interaction between the key players in the courtroom such as DA, PDA, Defense Attorney and Judge and knowing the defendant is not fully cognizant of what transpired. This dilemma not only occurs for Yupik people but for any other minority culture within our legal system. It also occurs during jury trials.

"We take it for granted that the attorneys are responsible for representing their clients' best interests. Our arraignment rights go into detail about what a lawyer is and what a lawyer does, yet the Yupik defendants are met with the same dilemma of miscommunication. Most often, the district attorneys and public defenders are those that are temporarily assigned to regions. They lack knowledge of our local culture and that further exasperates the language and communication barrier. This difference in culture and miscommunication between the attorney and their client can also contribute to the confusion of our legal system. ...For example, just this past week, I had to explain to a middle-aged Yupik man that he had to make payments to three different agencies listed in his two separate judgments. He was very grateful for the clarification...

"Therefore, there needs to be a concerted effort by all state agencies in making sure the people understand their case, so the people are not set up for continued failure and delinquency for non-payments to multiple agencies, failing to register as sex offender or any other mandate ordered by the court. Overall, there needs to be more education and intervention for people before they stand before the Judge..."

.....

Tolerance Commission Public Hearings

Following the January 2001 paint-ball attacks on Alaska Natives in downtown Anchorage, Gov. Tony Knowles convened a cabinet-level task force to look at discrimination in Alaska. One of the recommendations was to create a commission, made up of a diverse group of Alaskans, to hold hearings and solicit ideas and suggestions for change. This volunteer Commission held 11 public hearings statewide, with more than 60 hours of public testimony, and sorted through hundreds of emails, calls and letters. Some of the comments are included in this report, and some are included in the accompanying *Community Action Guide: 10 Ways To A More Tolerant Alaska*. Both documents are accessible online at www.gov.state.ak.us/tolerance/

June 28, Atwood Office Building, Anchorage

July 18, Mountain View Community Center, Anchorage

July 26, Alaska Native Brotherhood Hall, Juneau

August 2, Kodiak Senior Center, Kodiak

September 20, Noel Wien Library, Fairbanks

September 28, Atwood Office Building, Anchorage

September 29, Fairview Recreation Center, Anchorage

October 1, Cultural Center, Bethel

October 9, Northwest Arctic Borough Assembly Chambers, Kotzebue

October 22, Kenai City Hall, Kenai

October 23, Alaska Federation of Natives Youth and Elders Conference, Anchorage

Tolerance Commission on Radio and Television

August 5, KSKA InterCambios Special hosted by Gilbert Sanchez, discussing the World Conference on Racism

August 28, KSKA Talk of Alaska Statewide Call-in Show featuring Rev. Chuck Eddy, Shari Kochman and Judge Tom Stewart

September 28, KAKM “Not in Our Town” featuring Lt. Governor Fran Ulmer

October 7, KSKA Intercambios Special hosted by Gilbert Sanchez, featuring Father Michael Oleksa

November 11, KSKA Intercambios Special hosted by Gilbert Sanchez, featuring Mara Kimmel

November 18, KSKA Intercambios Special hosted by Gilbert Sanchez, featuring Senator Georgianna Lincoln

November 30, Alaska One’s Alaska Week, featuring Shari Kochman and Judge Tom Stewart

Tolerance Commission Members

Reverend Chuck Eddy of Anchorage, Chair - Recently retired rector of St. Mary's Episcopal Church, Rev. Eddy served on the municipality's Social Services Task Force and the Anchorage Council on Alcoholism.

Kelly Brown of Fairbanks - Business Agent for the Alaska State Employees Association, Brown helped organize a local "Not in our Town" campaign against hate, violence and intolerance.

Thelma Buchholdt of Anchorage - The first Filipino American woman elected to a State House in the U.S., Buchholdt, an attorney, served eight years in the Alaska Legislature, founded the Asian Alaskan Cultural Center, and now directs the state Office of Equal Employment Opportunity.

Senator Bettye Davis of Anchorage - The first black woman elected to public office, Davis is now in the State Senate after six years in the House and many years on the Anchorage School Board. She is president of the National Caucus of Black School Board Members.

Marie Greene of Kotzebue - Senior Vice President and Chief Operating Officer of the NANA Regional Corporation, Greene, an Inupiaq, is former chair of the Kotzebue IRA Council and was a delegate to the Inuit Circumpolar Conference.

Rep. Mary Kapsner of Bethel - A Yupik leader representing the Kuskokwim and Bristol Bay regions in the Alaska Legislature, which includes two communities and 28 villages, Kapsner previously was the youth representative to the National Congress of American Indians.

Mara Kimmel of Anchorage - Now the Supervising Attorney for the Immigration and Refugee Services Program of Catholic Social Services, Kimmel previously focused on a range of social justice issues including working with Alaska Native communities on subsistence issues.

Shari Kochman of Juneau - Kochman is board secretary for the Juneau Jewish Community, is active in local arts groups and school mentor programs and serves as Deputy Legislative Director for Governor Knowles.

Senator Georgianna Lincoln of Rampart - An Athabascan leader first elected to the House in 1990 and now in her third term in the Senate, Lincoln represents the largest state Senate district in the United States, and is an outspoken advocate of all human rights issues.

Denise Morris of Anchorage - The President and CEO of the Alaska Native Justice Center, Morris is of Aleut descent. She is an active member of numerous groups that work on issues of equality, social justice, and victims' rights.

Father Michael Oleksa of Koliganek - An ordained Orthodox priest, Father Oleksa has spent most of his life working throughout rural Alaska. He is a well-known teacher and speaker on cross-cultural communications.

Gilbert Sanchez of Anchorage - Born in Cuba, Sanchez has over two decades of experience as a broadcast journalist and has won awards for his coverage of unsolved homicides of Alaska Native women in Anchorage.

Tom Stewart of Juneau - A retired Superior Court judge, Stewart has a lifetime of service to the State of Alaska, including work as secretary to the Alaska Constitutional Convention in 1955 and 1956.

Lt. Gov. Fran Ulmer – Now serving her second term as Lt. Governor, Ulmer is the first woman to hold statewide office in Alaska. She served eight years in the State House of Representatives and is the former Mayor of Juneau. She is an ex-officio member of the Commission.

.

Footnotes

Institutional

- ¹ Administrative Order No. 186, State of Alaska Office of the Governor, September 29, 2000. It should be noted that Tribes in Alaska are recognized by the Federal government and enjoy a government to government relationship with the U.S. government.
- ² Final Report of the Commission on Rural Governance, June 1999, at 16-17.
- ³ Testimony of Robin Bronen, Program Director, Immigration and Refugee Services Program, Catholic Social Services, June 28, 2001.
- ⁴ Testimony of Robin Bronen.
- ⁵ Testimony of Robin Bronen.
- ⁶ Title VI of the U.S. Civil Rights Act of 1964. See "Office for Civil Rights Fact Sheet," by the U.S. Department of Health and Human Services, Office for Civil Rights, rev. Sept. 26, 2000, at <http://www.hhs.gov/ocr/lep/fact.html>.
- ⁷ Testimony of Russ Webb, Juneau, Alaska, July 26, 2001.
- ⁸ "Issues Affecting the Well-Being of Alaska's Seniors," Prepared for the Alaska Commission on Aging, December, 2000, Executive Summary.
- ⁹ These funds are generated from income and government benefits. "Issues Affecting the Well-Being of Alaska's Seniors," Executive Summary.
- ¹⁰ "Issues Affecting the Well-Being of Alaska's Seniors," at 16.
- ¹¹ "Issues Affecting the Well-Being of Alaska's Seniors," at 56.

Economic

- ¹ Subsistence in Alaska: A Year 2000 Update; Division of Subsistence, Alaska Department of Fish and Game; March 2000.
- ² Alaska Department of Labor and Workforce Development, Research and Analysis, Nov. 16, 2001.
- ³ U.S. Department of Commerce, Federal Bureau of Economic Analysis.
- ⁴ Native Utilization Agreement signed in 1974 by Alyeska and the Secretary of the Interior.
- ⁵ National Coalition for the Homeless Fact Sheet #3, February, 1999.
- ⁶ National Coalition for the Homeless Fact Sheet #3, February, 1999.
- ⁷ National Coalition for the Homeless Fact Sheet #8, February, 1999 (<http://nch.ari.net/domestic.html>).
- ⁸ Northwest Regional Education Laboratory, Alaska. (<http://www.nwrel.org/cfc/frc/alaska.html>).

Justice

- ¹ Lambda Legal Defense and Education Fund, October 2001, <http://www.lambdalegal.org/cgi-bin/pages/documents/record?record185>.
- ² Alaska Department of Public Safety statistics.
- ³ Testimony of Barbara Brink, State Public Defender, Anchorage, Alaska, September 28, 2001.
- ⁴ Testimony of Denise Morris before the Alaska Advisory Committee of the U.S. Commission on Civil Rights, August 23, 2001.
- ⁵ Testimony of Denise Morris before the Alaska Advisory Committee of the U.S. Commission on Civil Rights, August 23, 2001.
- ⁶ Statement by Rep. Fred Dyson, Sponsor Statement for HB 372, Community Based Sentencing.
- ⁷ Statement by Rep. Fred Dyson, Sponsor Statement for HB 372, Community Based Sentencing.
- ⁸ Alaska Statute 47.12.010.
- ⁹ Final Report, Alaska Criminal Justice Assessment Commission (hereinafter "ACJAC"), Executive Summary, May 2000.
- ¹⁰ Final Report, Alaska Criminal Justice Assessment Commission (hereinafter "ACJAC"), Executive Summary, May 2000.
- ¹¹ Final Report, Alaska Criminal Justice Assessment Commission (hereinafter "ACJAC"), Executive Summary, May 2000.
- ¹² ACJAC Executive Summary.